



Town of Southern Shores
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Ordinance 2011-01-01

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF SOUTHERN SHORES**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") may enact and amend ordinances to protect the health, safety, and welfare of its citizens under North Carolina General Statutes § 160A-174; and

WHEREAS, the Town may enact and amend ordinances regulating the zoning and development of land within its jurisdiction under North Carolina General Statutes § 160A-381; and

WHEREAS, the purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on October 2, 1979 and subsequently amended.

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, and general welfare that the Town Code and Town Zoning Ordinance be amended as stated below.

ARTICLE II. Construction.

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by a "..." shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Chapter 6 of the Town Code of Southern Shores

Part I. That Chapter 6 Section 6-2 be amended as follows:

Sec. 6-2. ~~Building inspection~~ Planning and Code Enforcement Department established for Planning, Code Enforcement, and Permitting.

A ~~building inspection~~ department to administer planning, code enforcement, and permitting is hereby established in the town. The department:

- (1) Is charged with the responsibility of administering and enforcing the state building code and all pertinent state and local laws pertaining thereto. Any of the functions of this department may be provided internally or through any means allowed by G.S. 160A-413.

(2) Shall have and exercise all powers as may be prescribed from time to time by the general statutes of the state and such powers as may be authorized by the council from time to time.

(3) Shall be headed by an appropriate department head who shall be appointed by ~~and serve at the will of the council~~ Town Manager and who shall have such other duties as may be prescribed by the ~~council~~ Town Manager from time to time.

(Code 1988, § 7-67; Ord. No. 79-0008, § I, 8-7-1979)

State Law References: Responsibilities of inspection department, G.S. 160A-412.

ARTICLE IV. Amendment of Chapter 14 of the Town Code of Southern Shores.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

PART I. That Chapter 14 Section 14-27 be amended as follows:

Definitions.

Fire inspector: ~~These Individual(s) sworn by~~ appointed by the Southern Shores Town ~~clerk~~ Manager who hold valid certificates issued by the North Carolina Code Officials Qualification Board.

PART II. That Chapter 14 Section 14-30 be amended as follows:

Fire official to enforce.

The Town Fire Inspector, as authorized by the Town Manager, shall be the officer charged with the administration and enforcement of the Fire Prevention Code.
(Code 1988, § 4-24; Ord. No. 83-0035, § 2, 6-7-1983; Ord. of 12-1-1998, pt. I; Ord. No. 2009-09-01, Art. III, 9-1-2009)

ARTICLE V. Amendment of Chapter 22 of the Town Code of Southern Shores

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

Part I. That Chapter 22 Section 22-3, (b), (15) be amended as follows:

Sec. 22-3. Noises prohibited.

(b) The following acts, among others, are declared to be loud, disturbing noises, but such enumeration shall not be deemed to be exclusive:

(15) *Erection, demolition, etc. of buildings.* The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and Saturdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the ~~building inspector~~ code enforcement officer, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues. If the ~~building inspector~~ code enforcement officer should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair

of any building or excavation of streets and highways within the hours of 8:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 8:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.

ARTICLE VI. Amendment of Chapter 24 of the Town Code of Southern Shores

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

Part I. That Chapter 24 Section 24-58 be amended as follows:

Sec. 24-58. Map adopted.

The property numbering map entitled "Property Numbering Map, dated April 4, 1983, Southern Shores, North Carolina" as revised September 5, 2006, is hereby adopted as the official property numbering map of the town. All property numbers assigned to lots will be in accordance with this numbering map, and no other property numbering system shall be used or displayed in the town. The town manager or his designee shall update the map whenever changes are required. The property numbering map shall be kept on file in the office of the ~~building inspector~~ Planning and Code Enforcement Department.
(Code 1988, § 7-36; Ord. No. 86-0050, § 1, 4-1-1986; Ord. No. 06-08-01, art. III, 9-5-2006)

ARTICLE VII. Amendment of Chapter 34 of the Town Code of Southern Shores

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

PART I. That Chapter 34 Section 34-25, (2) be amended as follows:

Sec. 34-25. Same--Construction of improvements.

All improvements shall be constructed in compliance with the following:

- (2) No dock or piling shall protrude into the water more than four feet, measured perpendicular to the shore line. If a situation prevails where a narrow canal exists or an existing dock is opposite the proposed dock, both of which would affect the navigability of the adjacent waterway, then the ~~building inspector~~ zoning administrator will determine the distance that a dock/bulkhead may protrude in the water. Docks will be constructed parallel to the banks of the lagoon.

PART II. That Chapter 34 Section 34-26 be amended as follows:

Sec. 34-26. Same--Existing structures.

All docks, bulkheads and pilings existing on privately owned property on April 3, 1984, may be exempt from this chapter with approval of the ~~building inspector~~ zoning administrator. No owner shall permit these structures to fall into disrepair.
(Code 1988, § 10-8; Ord. No. 84-0037, art. V, § 1, 4-3-1984; Ord. of 10-2-1990, pt. I)

ARTICLE VIII. Amendment of Chapter 36 of the Town Code of Southern Shores.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

PART I. That Chapter 36 Section 36-57 be amended as follows:

Definition of specific terms and words.

Zoning administrator: A person who is appointed by the Town Manager and is responsible for administering and enforcing this Chapter.

Zoning permit: ~~means a~~ A permit issued by the Zoning Administrator which authorizes the recipient to make use of property in accordance with the requirements established in this Chapter.

PART II. That Chapter 36 Section 36-96 be amended as follows:

Sec. 36-96. Vision clearance at intersections.

On a corner lot which abuts town- or state-maintained rights-of-way in any district, no planting, structure, fence, wall or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines, each of which is 25 feet distant from the point of intersection. On other rights-of-way, the proper setback for vision clearance shall be determined by the ~~building-inspector~~ zoning administrator, but in no case shall the requirement exceed that previously stated.
(Code 1988, § 11-4.09)

PART III. That Chapter 36 Section 36-163, (1), h be amended as follows:

Sec. 36-163. Off-street parking requirements.

- h. Each application for a ~~building permit~~ zoning permit ~~or certificate of occupancy~~ submitted to the ~~building-inspector~~ zoning administrator shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the ~~building-inspector~~ zoning administrator to determine whether or not the requirements of this section are met. All required parking and drive areas shall be shown on the site plan application.

PART IV. That Chapter 36 Section 36-163 (2), a be amended as follows:

- a. *Curb bumpers.* The required front and side yards shall be set off from the parking area by a fixed curb approved by the ~~building-inspector~~ zoning administrator, not less than six inches or more than two feet high.

PART V. That Chapter 36 Section 36-165, 3 be amended as follows:

Sec. 36-165. Regulations governing signs.

(3) *Sign permit required.* No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure, nor shall any existing sign or outdoor advertising

structure be structurally altered, remodeled or relocated, until a sign permit for same has been issued by the ~~building inspector~~ zoning administrator. No permit is required for signs enumerated in subsection (8), (11) or (12) of this section or any sign not exceeding three square feet in area.

PART VI. That Chapter 36 Section 36-171 be amended as follows:

Sec. 36-171. Lot disturbance.

Subject to the requirements of G.S. 160A-417(b), if applicable, in all town zoning districts, including all areas within the extraterritorial jurisdiction, no grading, filling, or other alteration of the topography or elevation of any unimproved lot, or demolition and clearing of improved property, shall be undertaken prior to the issuance of a lot disturbance permit by the ~~building inspector~~ zoning administrator.

- (1) All applications for lot disturbance shall be accompanied by a survey and site plan of the proposed improvements prepared by a state licensed professional surveyor, engineer, architect or other person duly authorized by the state to prepare such plans showing the actual dimensions and shape of the lot, and showing the surveyed pre-disturbance ground elevation at the corners of the proposed structure referenced to mean sea level. The application shall also describe the disturbance activity which is proposed for the lot.
- (2) Upon inspection, the ~~building inspector~~ zoning administrator shall confirm that the survey detail submitted conforms generally to the pre-disturbance condition of the lot with respect to its elevations, and that the proposed disturbance activity will not create any hazards or disturb land or lots other than that owned by the applicant or his agent. The ~~building inspector~~ zoning administrator shall make such notation or comments on the permit as needed to further establish the pre-disturbance topography and elevation of the lot for later use in determining the permitted height of any structures subsequently constructed on said lot.
- (3) The ~~building inspector~~ zoning administrator is hereby authorized to include requirements in the permit which minimize the disturbance or damage of any adjacent lots or land.

(Code 1988, § 11-6.09; Ord. No. 2006-09-02, art. V(6.09), 11-28-2006)

PART VII. That Chapter 36 Section 36-264, (1), a be amended as follows:

Sec. 36-264. Development plan review procedure.

- a. On request by applicants, members of the planning board and the ~~building inspector~~ zoning administrator shall meet with applicants to review the original application, including the developer's report, if submitted, and the sketch plan of the proposed planned unit development. The purpose of such pre-hearing conferences shall be to assist in bringing the report, if submitted, and the sketch plan as nearly as possible into conformity with these or other land development regulations applying in the case, and to define special variations from application of the regulations, which would otherwise apply, which seem justified in view of equivalent services of the public purposes of such regulations.

PART VIII. That Chapter 36 Section 36-296 be amended as follows:

Building inspector Administration and Enforcement.

The ~~building inspector designated by the town council~~ Town Manager, or his designee, shall administer and enforce this chapter and may be provided with the assistance of such other persons as the Town Council may direct. The ~~building inspector~~ Town Manager, or his designee, shall have all necessary authority to administer and enforce this zoning chapter, including the ordering, in writing, of the remedying of any condition found in violation of this chapter, and the bringing of legal action to ensure compliance with this chapter, including injunction, abatement, or other appropriate action or proceeding.
(Code 1988, § 11-10.01)

PART IX. That Chapter 36 Section 36-297 be amended as follows:

Building and Zoning permits required; time limitations for site plans and building permits.

(a) The following provisions pertaining to time limitations to obtain building and zoning permits, and to commence, continue and complete construction, shall apply in all cases in which site plan approval is required, unless otherwise provided for in section 36-304. Subsection (a)(4) of this section, pertaining to site plan extensions, shall not apply in instances where a landowner has been granted a vested right pursuant to section 36-304.

- (1) *Building and zoning permits required.* No building or other structure shall be erected, moved, added to, or structurally altered, without a permit issued by the building inspector and zoning administrator. No building or zoning permit shall be issued except in conformity with the provisions of this article. A zoning permit, if required, shall be issued by the zoning administrator prior to the issuance of a building permit. A fee for building permits and zoning permits is required which shall be in accordance with a regularly adopted fee schedule of the town.
- (2) *Time limitation to obtain building permit and zoning permit.* Upon final approval of a site plan by the town council, the building inspector and zoning administrator may issue a building permit and zoning permit within 180 days from the date of such approval, provided that all other requirements are met. If a building permit and zoning permit is are not issued within 180 days from the date of final approval of the site plan, the site plan expires and the applicant must submit a new site plan, conforming to the then current provisions of the zoning chapter and all other applicable ordinances, for review by the planning board and town council and pay the applicable fees.
- (3) *Time limitation to commence and continue construction.* If the start of construction has not commenced within 180 days from the date of issuance of a building permit, the building permit, zoning permit and the approval of that site plan shall expire. If, after commencement, the work is discontinued for a period of 12 months, the building permit, zoning permit, and site plan shall immediately expire. No work authorized by any permit or site plan that has expired shall be performed until a new site plan has been approved and a new building permit and zoning permit have been issued and all applicable fees paid.
- (4) *Time limitation to complete construction.* If the work authorized by any building

permit, issued in accordance with an approved site plan, is started but not prosecuted to completion within 18 months of the date of issuance of the building permit and zoning permit, the approval of that site plan shall expire and the building permit and zoning permit shall be revoked. At the time of expiration, all work shall cease, and shall be allowed to continue only after a new site plan has been reviewed and approved by the planning board and town council, and a new building permit and zoning permit issued and all applicable fees paid. The new site plan shall depict work in accordance with the then current provisions of the town zoning chapter and any further construction or use shall be in conformity with those regulations.

(b) As an alternative to subsections (a)(2), (3) and (4) of this section, a developer may, no sooner than 60 days and no later than 30 days prior to the date of expiration of a site plan, petition the town council and upon a subsequent finding by the town council that the delay in construction has been due to circumstances beyond the control of the developer, and that an extension of the approval of the site plan will not be detrimental to the health, safety and general public welfare, and will be in harmony with the spirit and intent of the town zoning ordinance, the town council may extend the approval of the site plan for up to 90 days. In the event the town council grants an extension to a site plan and the time limitation for the building permit and zoning permit has have expired pursuant to ~~the~~ G.S. 160A-418 and G.S. 160A-382, the applicant will be required to purchase a new building permit and zoning permit. If a site plan expires or the town council does not grant an extension, the applicant must submit a new site plan conforming to the then current provisions of the zoning ordinance and pay the applicable fees. (Code 1988, § 11-10.02)

PART X. That Chapter 36 Section 36-299 be amended as follows:

Sec. 36-299. Application for building permits, zoning permits and site plan requirements.

- (a) *Single-family detached and duplex residences.*
- (1) Applications for building permits and zoning permits shall be accompanied by duplicate site and/or building plans as required by the ~~inspections office~~ Planning and Code Enforcement Department to accurately describe the work proposed drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The site plan shall also include the present owner's name; present and proposed lot coverage in square feet and as a percentage; the lot, block and section number of the parcel, flood zone per FEMA; required open yard zoning setback lines, and; applicable coastal development area of environmental concern (AEC) regulatory features and lines. Site plans and surveys shall bear the seal of a state licensed professional surveyor, engineer, architect or other person duly authorized by the state to prepare such plans. The application shall include such other information as lawfully may be required by the building inspector, zoning administrator, and other code enforcement staff, including existing or proposed building or alteration; existing or proposed uses of the building and land; and the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots; elevations of finished floors; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this section. Applications for principal dwellings or accessory garages with associated driveways shall show

the driveway as it extends from the front property line through the public or private right-of-way to the edge of the improved roadway.

- (2) One copy of the plans shall be returned to the applicant by the building inspector and zoning administrator, after ~~he~~ they shall have marked such copy "Reviewed for Code Compliance." A copy of the plans, similarly marked, shall be retained by the ~~building inspector~~ Planning and Code Enforcement Department.
- (3) Permits issued pursuant to state requirements for work limited in scope to electrical, plumbing, gas, mechanical or fire protection shall not require the submission of site plans for activity within or attached to an existing structure. The construction of a pool, concrete driveway or bulkhead requires issuance of a building permit.
- (b) *All uses other than one- and two-family dwelling units.*
 - (1) Site plans must be reviewed by the planning board and approved by the town council before a building permit and zoning permit for construction may be issued.
 - (2) Site plan requirements. Twelve copies of the site plan shall be submitted no later than 30 days prior to the planning board meeting at which the plan is to be reviewed. All plans shall be prepared, stamped and endorsed by a state registered engineer, surveyor or architect, or other person duly authorized by the state to prepare such plans. All plans shall contain at least the following information:
 - a. Property and ownership information.
 1. Present recorded owner and the map book reference of the site property.
 2. Owners, lot numbers or map book and page reference of all adjacent properties.
 3. Boundary of the entire lot by course and distance.
 4. Width of the existing rights-of-way.
 5. Nature or purpose, location and size of existing easements.
 6. Iron pins three-eighths of one inch in diameter and 36 inches in length, or concrete monuments shall be shown and installed at all lot corners, points of tangents, and any angle point along a given course of the lot.
 7. Plan drawn to at least one inch:100-foot scale showing north arrow.
 8. Zoning district of the site and all adjacent properties.
 9. Lot area by upland; by swamp, marsh and wetland; and the total area.

- b. Existing features information.
 - 1. Streets showing the type and width of pavement, curbs and sidewalks.
 - 2. Topographic features of the lot and existing grades for the lot, streets, storm drainage, etc.
 - 3. All underground utilities and facilities.
 - 4. All existing buildings and structures.
 - 5. Wetlands as certified by the U.S. Army Corps of Engineers or their authorized agent.
 - 6. Flood zone, base flood elevation, and map reference, as determined by the latest FEMA flood insurance rate map, with the notation "flood zones subject to change by FEMA."
- c. Site improvements, show all proposed site improvements including, but not limited to:
 - 1. Anticipated final appearance of the sides and rooflines of proposed structures shown on the site plan, plus a rendering showing the anticipated front appearance of the structure relative to landscaping. Final appearance of all structures shall be determined at time of building permit application.
 - 2. Proposed building type and material (i.e., steel, brick, concrete or wood frame), number of floors and dimensions.
 - 3. Proposed lowest floor elevation.
 - 4. Location and type of all sidewalks and curbs with the site.
 - 5. Proposed method for treating wastewater, location of all wastewater collection and treatment facilities (including any applicable property to be reserved for possible future wastewater use), name of any regulatory agency that must approve wastewater system, name of and written approval for connection from any organization that will collect or dispose of wastewater.
 - 6. Layout and number of parking stalls, driveway connections, and internal traffic plans.
 - 7. Finished grades.
 - 8. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre.

9. Rights-of-way improvements in accordance with the policy of the town council.
 10. Storm drainage in accordance with the policy of the town council.
 11. A tabulation of lot coverage by type of cover and overall project coverage and percent coverage.
 12. Limits of land disturbing activity and the calculated area of land disturbance.
 13. Proposed use under this chapter, pertaining to zoning.
 14. Parking requirements and spaces provided.
 15. Proposed signage and calculations.
 16. Proposed water supply.
 17. Proposed outdoor lighting.
 18. Required and provided buffers, and proposed landscaping.
 19. Location of solid waste container, plus location of separate recycling container.
- d. All items on the site plan and all pertinent provisions of this chapter, pertaining to zoning, shall be addressed by the applicant before the site plan is presented for review by the planning board.
 - e. Dimensional requirements and development standards shall be in accordance with the district in which the development is to be located.
- (3) Water and wastewater treatment and disposal.
- a. No proposed site plan shall be accepted by the town, as part of an application for approval or conditional approval by the planning board, without written tentative approval of the proposed sewage treatment and disposal facilities by the department of environmental health or the state department having jurisdiction.
 - b. No proposed site plan shall be accepted by the town, as part of an application for approval or conditional approval by the planning board, without written tentative approval of the proposed water distribution facilities by the water department or the state department having jurisdiction.
- (4) The planning board may recommend approval, conditional approval or rejection of any proposed site plan. Upon completion of review, the planning board will transmit their recommendations to the town council. The town council may approve, approve with specific requirements or disapprove any site plan. A rejected site plan may be resubmitted, in accordance with this section, when

redrafted to meet the specifications of this article and upon payment of a plan review fee.

- (5) If, following town council's conditional or final approval, the owner or developer desires to make a change in any of the factors listed in subsection (b)(2)a, b, c, d or e of this section, the change must be reviewed by the planning board and approved by the town council.
- (6) Prior to issuance of a building permit and zoning permit, evidence shall be presented to the town showing satisfaction of all appropriate state and federal permits, including but not limited to:
 - a. U.S. Army Corps of Engineers wetlands permit.
 - b. NCDOT driveway permit and/or encroachment application for work in a state right-of-way.
 - c. State soil erosion and sedimentation control plan approval.
 - d. State stormwater plan approval.
 - e. State or town CAMA permit.
 - f. Receipts for payment of water connection fee, county regional water system.
 - g. Septic tank or other wastewater treatment approval by the department of environmental health or other appropriate permitting agencies.
- (7) Inspections of sites involving public rights-of-way and inspections of any on-site construction shall be made by the town.
- (8) After approval of a site plan by the town council, minor changes, which do not affect subsection (b)(2)a, b, c, d or e of this section, in the plan may be approved, in writing, by the ~~building inspector~~ zoning administrator, provided that the changes do not prevent the spirit and intent of a condition of approval from being met, or a provision or requirement of an article from being executed, except as provided in section 36-304.

(Code 1988, § 11-10.04; Ord. No. 04-03-01, art. II, § 1, 6-1-2004; Ord. No. 2006-07-04, art. III, 9-5-2006; Ord. No. 2006-09-02, art. VI, 11-28-2006)

PART XI. That Chapter 36 Section 36-302 be amended as follows:

Sec. 36-302. Violation.

If the building inspector or zoning administrator shall find that any of the provisions of this article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or take any other action authorized by this article to ensure compliance with or to prevent violations of its provisions.

PART XII. That Chapter 36 Section 36-363 be amended as follows:

Sec. 36-363. Powers and duties of the board.

The board of adjustment, by a vote of four-fifths of its members, may reverse any order, requirement, decision or determination of the ~~building inspector~~ zoning administrator, or may decide in favor of the applicant, a matter upon which the board is required to pass under this article, or may grant a variance from the provisions of this article. Each decision of the board is subject to review by the superior court by proceedings in the nature of certiorari. The chairman of the board of adjustment or any member temporarily acting as chairman may in his official capacity administer oaths to witnesses in any matter coming before the board.

(1) *Administrative review.*

- a. 1. The board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by the ~~building inspector~~ zoning administrator. Any person aggrieved or any officer, department, board, or bureau of the town may take an appeal. Appeals shall be taken within 30 days by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof.

PART XIII. That Chapter 36 Section 36-471 be amended as follows:

Sec. 36-471. Definitions.

Measurement line means the line from which the oceanfront setback, as described in section 36-473, is measured in the unvegetated beach area of the ocean hazard area. Procedures for determining the measurement line shall be adopted by the town for each area where such a line is designated. These procedures shall be available from the ~~building inspector~~ Planning and Code Enforcement Department.

PART XIV. That Chapter 36 Section 36-472, (b) be amended as follows:

Sec. 36-472. Hurricane and storm reconstruction and redevelopment.

(b) *Conditions for issuance of building permits.* Upon expiration or cancellation of the applicable building moratorium enacted in chapter 12, the following additional requirements, in addition to all applicable sections of this chapter and town Code, shall be met prior to issuance of a building permit.

- (1) *Destroyed structure.* The following additional requirements must be met prior to the issuance of any building permit for construction of a new structure:
 - a. A post-storm survey and/or site plan from a registered state surveyor, as applicable, of the lot and the proposed structure.
 - b. Site plan or survey approval as provided in article X of this chapter.
 - c. Verified location of CAMA setback boundaries.

- d. On-site inspection of lot by the ~~building inspector~~ zoning administrator.
- e. County water will be restorable at street frontage of lot.
- f. Direct, uninterrupted, approved vehicular access to lot.
- g. Electrical service restorable to building site.
- h. All debris removed from lot.
- i. Septic improvements permit issued by the county environmental health department or the division of environmental health.

(2) *Major damaged structure.* The following additional requirements must be met prior to issuance of a building permit for a major damaged structure:

- a. A post-storm survey and/or site plan, as applicable, of the lot and structure if there is a proposed increase in the footprint of the structure over the pre-storm structure. In addition, the following information shall be provided on the survey/site plan:
 - 1. CAMA setback boundary.
 - 2. The location of all property boundary lines.
 - 3. The possible existence of any nonconformities.
- b. Site plan or survey approval as provided in article X of this chapter.
- c. On-site inspection of lot by the ~~building inspector~~ zoning administrator, in addition to verification there will be no increase in any nonconformities, as regulated in article V of this chapter.
- d. County water will be restorable at street frontage of lot.
- e. Direct, uninterrupted, approved vehicular access to lot.
- f. Electrical service restorable to building site.
- g. All debris removed from lot.
- h. Septic improvements permit issued by the county environmental health department or the division of environmental health, if required.

(3) *Minor damaged structure.* The following additional requirements must be met prior to issuance of a building permit to repair a minor damaged structure:

- a. A post-storm survey and/or site plan, as applicable, of the lot and structure if there is a proposed increase in the footprint of the structure over the pre-storm structure. In addition, the location of all property boundary lines shall be provided on the survey/site plan.

- b. Site plan or survey approval as provided in article X of this chapter.
- c. On-site inspection of lot by the ~~building inspector~~ zoning administrator, in addition to verification that there will be no increase in any nonconformities, as regulated in article V of this chapter.
- d. Vehicular access to lot.
- e. All debris removed from lot.
- f. Septic improvements permit issued by the county environmental health department or the division of environmental health, if required.

PART XV. That Chapter 36 Article XIII be amended as follows:

ARTICLE XIII.

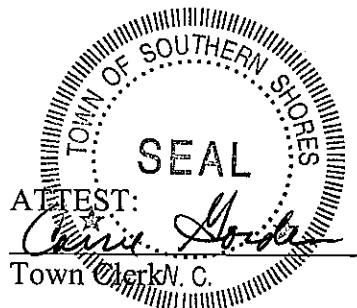
DUTIES OF ~~BUILDING INSPECTOR~~ ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, COURTS AND TOWN COUNCIL AS TO MATTERS OF APPEAL

ARTICLE IX. Severability.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Should a court of competent jurisdiction declare this Ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this Ordinance nor the Zoning Ordinance of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE X. Effective Date.

This ordinance shall be in full force and effect from and after the 4th day of January, 2011.



[Signature]
Mayor

Date: 01/04/2011
Vote: 5 Ayes 0 Nays

Approved as to form:

[Signature]
Town Attorney